

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MICHAEL A. THORPE,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

CASE NO. 3:24-cv-05637-MJP

ORDER GRANTING STIPUATED
MOTION IN PART

This matter comes before the Court on the Parties' Stipulated Motion to Hold Case in Abeyance (Dkt. No. 15). The Parties seek for the case to be held in abeyance for 60 days "pending the Attorney General's review of the position taken by the United States in this litigation," as per § 2(b)(v) of the Executive Order issued by President Trump on February 7, 2025, entitled "Protecting Second Amendment Rights." (Mot. at 1–2.)

Additionally, the Parties note that on February 6, 2025, Plaintiff filed a Motion for Summary Judgment. (Mot. at 1; Dkt. No. 14.) Plaintiff's motion was filed nearly six months before the dispositive motion deadline in this case. (See Dkt. No. 13 (setting the dispositive

1 motion deadline for August 18, 2025).) The Court notes that Defendant did not file response to
2 Plaintiff's motion by Thursday, February 27, 2025, deadline. See Local Civ. R. 7(d)(4)
3 (opposition papers to motions for summary judgment "shall be filed and received by the moving
4 party no later than 21 days after the filing date of the motion."). Rather, the Parties filed this
5 stipulated motion on March 3, 2025.

6 The Court does not find that the Attorney General's review of the position of the United
7 States regarding its position in this litigation warrants holding the entire case in abeyance,
8 particularly so when there are no interceding deadlines. However, the Court agrees with
9 Defendant that "discovery must occur prior to the completion of additional briefing on
10 [plaintiff's] motion." (Mot. at 1.) Indeed, upon review of Plaintiff's motion, the Court recognizes
11 that it will require a response from Defendant before taking the motion under advisement. Cf.
12 Heinemann v. Satterberg, 731 F.3d 914, 917 (9th Cir. 2013) (Federal Rule of Civil Procedure
13 56(e) should not "be misconstrued as condoning summary judgment by default") (citing the 2010
14 Advisory Committee Notes).

15 Accordingly, the Motion is GRANTED IN PART. Consideration of Plaintiff's Motion
16 for Summary Judgment (Dkt. No. 14) is hereby CONTINUED. The Motion is RENOTED for
17 Wednesday, April 23, 2025, to allow Defendant to conduct the discovery necessary to respond.
18 Defendant's response to Plaintiff's Motion for Summary Judgment is due on Wednesday, April
19 16, 2025. Plaintiff's reply brief, if any, shall be filed on Wednesday, April 23, 2025.

20 The clerk is ordered to provide copies of this order to all counsel.

21 Dated March 17, 2025.

22 

23 Marsha J. Pechman
24 United States Senior District Judge